



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,654	02/27/2004	William Harrison Allen	141647.00001	9187
25207 7590 02/23/2009 BRYAN CAVE POWELL GOLDSTEIN ONE ATLANTIC CENTER FOURTEENTH FLOOR 1201 WEST PEACHTREE STREET NW ATLANTA, GA 30309-3488			EXAMINER HU, KANG	
			ART UNIT 3715	PAPER NUMBER
			MAIL DATE 02/23/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/789,654

Applicant(s)

ALLEN, WILLIAM HARRISON

Examiner

KANG HU

Art Unit

3715

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-10, 15-19 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-10, 15-19 and 21-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The present office action is in response to amendment filed 9/18/2008. Claims 1-7, 11-14, 20 have been cancelled, claims 23 added. Currently claims 8-10, 15-19, 21-23 are pending in the application.
2. Previously (office action 10/26/2005) claim 8 was indicated as allowable subject matter, after further search, new grounds of rejection is being applied to claim 8 and the allowability withdrawn.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 8, 15, 16-19, 21-23 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a discrete regions for providing three-dimensional symbols that represent the rhythm of pauses at the punctuation pause points, pause point count length region and raised stop block symbols region (§ 33 of applicant's pgpub – Allen (US 2005/0191604 A1) and fig 4), does not reasonably provide enablement for said three-dimensional pause points (claim 8), three-dimensional representation of pause points (claim 15), three-dimensional, stationary, textured, raised stop and pause markers (claim 16), three-dimensional pause symbol (claims 22 and 23). The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims.

Claim 8 recites “providing a plurality of three-dimensional images of pause points of different length associated with three-dimensional bumps to touch and stop eye movement left to right, illustrating the duration of pause at each of said punctuation marks.”

Claim 15 recites “plurality of three-dimensional representations of pause points of different length... illustrating the duration of pause at each of said punctuation marks”

Claim 16 recites “three-dimensional, stationary, textured, raised stop and pause markers above said punctuation symbols on said page, said at least one marker having visual indicia that indicate how long to stop at each punctuation symbol.”

Claim 22 recites “three-dimensional pause symbol ... number of pause marks providing an indication for the reader to pause in movement across said page, the number of pause markers in one set of pause markers being correlated to the normal length of pause associated with the particular punctuation symbol with which said set of pause markers is associated”

Claim 23 recites “three-dimensional pause symbol... the number of pause markers in one set of pause markers being correlated to the normal length of pause associated with the particular punctuation symbol with which said set of pause markers is associated.”

The applicant's specification (§§ 33, 75, 77, 85-87 -pgpub – Allen (US 2005/0191604 A1) provides recitation of punctuation representation, three-dimensional symbols that represent the rhythm of pauses at the punctuation pause points, raised block symbols, and pause point count length. Fig 4 of the applicant's drawing also provides "stop blocks symbol 86" and "pause point count length 84"; However neither the specification nor the drawing provide any explanation or actual figure for punctuation representations, three-dimensional symbols, raised block symbols, pause point as claimed in claims 8, 15, 16, 22 and 23. One of ordinary skill in the art at the time of the invention would not reasonably understand how to make and use said three dimensional pause markers to direct a dyslexic individual to pause and count the length of pause associated with the particular punctuation mark without undue experimentation, because such information for making a dyslexic individual pause reading and count the length of pause associated with the particular punctuation mark is missing, a dyslexic person would have to be taught the meaning of the three dimensional pause markers, to recognize the three dimensional pause markers by form or shape, to understand its intended purpose, its association with the punctuation mark, and the length of count for each of said pause markers. The examiner did not find any disclosure for teaching one of ordinary skill in the art how to make and use the claimed invention.

Claims 17-19 are also rejected for its dependency upon claim 16 for failing to correct these deficiencies. As such, they are rejected for the same reason.

5. Claims 18 and 19 recite "movable eye markers has a set of visual indicia associated at one end thereof to draw the attention of the student to said eye marker" and "wherein said

movable eye marker set of indicia is at least one visual depiction of a stylized eye.” The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not provide any teachings of visual indicia associated at the end of eye marker and visual depiction of a stylized eye.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 18 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 18 and 19, the limitation of said movable eye marker has a set of visual indicia associated at one end thereof to draw the attention of the student to said movable eye marker (claim 18) and the indicia is at least one visual depiction of a stylized eye (claim 19) are not supported by the specification and not understood by the examiner and can not be addressed.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 8-10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soto et al. (US 6,954,199 B2) in view of Davis, The Gift of Dyslexia, hereinafter Davis.

Re claim 8, Soto teaches a method of teaching dyslexic individuals, comprising:

a. providing an apparatus, comprising,

i) a binder comprised of a generally rigid material and having a first section and a second section, both sections being pivotably associated with each other by a middle hinge portion (claims 8 and 9, Soto, col 11, line 43-51);

ii) means for generating at least one audio sound from a set of a plurality of possible audio sounds in response to an actuating signal (claims 8 and 9, Soto, col 6, lines 43-47); and,

iii) a plurality of pages associated with said binder, each page comprising a first side and a second side, each said page having a plurality of discrete regions (claims 8, 9 and 22) comprising;

(1) a first region comprising a set of printed instructions (see Fig. 1),

(2) a second region comprising at least one three-dimensional structural graphic image, said image containing at least one figure (col 3, lines 55-58; col 6, lines 65- col 7, line 2),

Soto does not disclose of a third region comprising a given three-dimensional word, Davis teaches of teaching basic numerals and the alphabet by building them in clay – three-dimensional word (pg 67, The Davis Symbol Mastery procedure consists of having the person create the meaning of a word or symbol as a three-dimensional picture. The student makes clay model that illustrate the meaning of the word or symbol); Soto does not disclose of a fourth region

comprising a guide for pronouncing said word, Davis teaches of using a pronunciation key in a dictionary (pg209); Soto does not explicitly teach of a fifth region comprising a definition of said word, Soto teaches in Fig 1, A is for Apple, the word apple and the graphical representation of an apple; Davis teaches of looking up the word in a dictionary or glossary, read the first definition and example sentences out aloud (pg 223);

Soto teaches of (6) a sixth region comprising the spelling of said word (col 6, lines 52-54);

b. displaying a particular word of interest (col 6, lines 45-52);

c. actuating one of a plurality of buttons such that said speaker reproduces the sound of said word (col 5, lines 60-63);

Soto does not explicitly teach of d. directing said individual to look at the three-dimensional, raised letters version of said word; Davis teaches of using three-dimensional raised letters in helping a dyslexic individual gain orientation (pg 135) and directing said individual to look at the letters (pg 217) (claims 8 and 22);

Davis further teaches e. providing a written guide for the definition of said word (pg 223 (claims 8 and 22));

j. providing a written guide for pronouncing said word (pg 209);

k. providing an example of a sentence using said word and related to said three-dimensional image (pg 223);

- l. directing said individual to construct at least one sentence incorporating said word and using said definition (pg 223);
- m. directing the individual to construct with said individual's imagination an image of the raised letters of said word and projecting it above and in front of said individual's head (pg 224; make a mental picture of what has been created);
- n. directing said individual to point to each letter in said individual's imagination image as said individual spells said word backward, and then forward (Davis teaches of mental imagination in pg 128; Davis further teaches of spelling said word forward and backward in Basic Symbol Mastery, pg 197-206);
- o. providing a raised letter version of the upper and lower case alphabet (uppercase letters, pg 199; lower case alphabet, pg 204);
- p. providing a raised set of punctuation symbols (claims 9, 15 and 16, pg 207);
- q. providing a movable eye marker (pg 217); and,
- r. providing a plurality of three-dimensional images of pause points of different length associated with three-dimensional bumps to touch and stop eye movement left to right, illustrating the duration of pause at each of said punctuation marks (claims 9 and 16, three dimensional punctuation marks, Picture-at-Punctuation pg 219-220). Davis does not teach of illustrating the duration of pause at each of said punctuation marks, however Davis teaches that the student should write the name of each of the punctuation mark on a piece of paper, with a clay mark attached to the piece of paper (pg 207), having the students find the mark in various texts, and refer to the grammar book or definition, go over common usages of each mark.

It would have been prima facie obvious at the time of the invention to combine the teachings of Soto and Davis, to provide three-dimensional letters, symbols and punctuations in order for the dyslexic individual to learn basic symbol mastery by using three dimensional symbols to overcome disorientation. It would also have been obvious to provide pronunciation keys, word definition, example sentences, raised letter of lower and upper case alphabet, punctuation symbols, illustrations of duration of pauses at each punctuation mark, moveable eye markers because it is known methods for teaching a dyslexic individual how to read. It would also have been obvious to direct the individual to construct a sentence using said word, imagining and construct an image of the raised letters and punctuation in individual's imagination, direct the student to spell the word forward and backward in order to teach the dyslexic individual on symbol mastery, coordination, reading techniques as these are known methods (Davis method) for teaching a dyslexic individual how to master reading.

Re claim 10, Davis teaches of a movable eye marker comprising an elongated length of first material slidably associated with a length of second material, said second material associated with said a portion of said second page, said movable eye marker being horizontally slidable along said second material and across at least a portion of said second page so as to focus the user on the particular punctuation symbol of interest and selectively allow the user to move or hold stationary said movable eye marker stationary (claims 10 and 15, Davis pg 217 and 218, present the words by pointing them out with your finger or pencil; have the student slide the pieces of paper to reveal individual words and lines of text. As the student improves in the skills

of word recognition and eye movement, get rid of the piece of paper that is slid left to right, and slide only one piece of paper down the page to reveal entire line at a time).

9. Claims 16, 17, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soto in view of Davis, The Gift of Dyslexia, further in view of Brown, The Grammar of English Grammars and Smith (US 2,524,143)

Re claim 16, Soto and Davis does not teach of an associated three-dimensional, stationary, textured, raised stop and pause markers above said punctuation symbols on said page, said at least one marker having visual indicia that indicate how long to stop at each punctuation symbol (Davis teaches of referring to a grammar book or definition, go over the common usages of each mark. Emphasize what the student should do when he or she sees the mark while reading aloud. Stop for periods, pause for commas, lilt the voice for question); Brown teaches in grammar of english: "the comma denotes the shortest pause, the semicolon, a pause double that of the comma, the colon, a pause double that of the semicolon; and the period, or full stop, a pause double that of the colon... children are often told to pause at a comma while they might count one; at a semicolon, one, two; at a colon, one, two, three; at a period, one two, three or four. This may be of some use, as a teaching them to observe the necessary stops, that they may catch the sense (Brown, top of pg 772); Smith teaches the method of education of children in the recognition of the meanings of words, punctuation, and the reading and understanding of sentences involving them in using alternating visual sequence of bell positions corresponding to the repeating intonations of the bell on the record. At all punctuation points requiring pauses, such as periods, semicolons and etc. (col 3, lines 6-11). It would have been prima facie obvious

at the time of the invention, to include Brown in the method of teaching students in the understanding of punctuations by counting out the pauses at each respective punctuation, and it would also have been prima facie obvious to include Smith in representing the tone and pauses with alternating visual symbols as both are known methods for teaching students on understanding and using punctuation marks.

Davis teaches b. a movable eye marker comprising an elongated length of first material slidably associated with a length of second material, said second material associated with said a portion of said page whereby said marker can be moved across the page, and stop at each three-dimensional, stationary, textured, raised punctuation symbol for the correct pause or stop before being moved on to the next three-dimensional, stationary, textured, raised punctuation symbol (pg 217 and 218).

Re claim 17, Davis teaches the method of presenting the page with one line at a time (pg 218) is analogous to the horizontal lines.

10. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Soto in view of Davis and further in view of Huffstetter (US 3,672,074).

Re claim 21, the said movable eye marker comprises a loop of a first material is not taught by Soto in view of Davis, Huffstetter teaches of having loops in both horizontal and vertical

position, shown in fig 1. It would have been obvious at the time of the invention to include a loop to easily accommodate the student in moving the eye marker from left to right and from top to bottom as it is a known technique for teaching the student the correct way of learning to read.

Response to Arguments

11. Applicant's arguments with respect to claims 9, 10, 15-19, 21-23 have been considered but are moot in view of the new ground(s) of rejection. The examiner has carefully considered all arguments provided by the applicant and have formed new grounds of rejection above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KANG HU whose telephone number is (571)270-1344. The examiner can normally be reached on 8-5 (Mon-Thu).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-262-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kathleen Mosser/
Primary Examiner, Art Unit 3715

/K. H./
Examiner, Art Unit 3715